

### Remarks

The application identified above has been amended in response to the final Office Action dated May 9, 2003. Claims 1, 15, 23 and 30, each of the independent claims in the application, has respectively been amended to further emphasize patentably distinguishing features of the invention, as well as to provide Applicants with the full scope of protection to which they deem their invention entitled. Claims 2, 20, 27, 31 and 40 have respectively been amended to enhance clarity. Claims 3-14, 16-19, 21-22, 24-26, 28-29, 32-39 and 41-44 remain in their respective original forms.

Applicants mailed a document entitled Applicants' Response to First Office Action, regarding the above application, to the U.S. Patent and Trademark Office on February 4, 2003. Comments and remarks set forth in this document are incorporated herein by reference.

In the Office Action, the Examiner rejected Applicants' Claims 1-8, 10-16, 20, 22-24, 27, 29-37 and 39-44 under 35 USC §102(e), as being anticipated by either U.S. Patent No. 6,168,521, to Luciano et al., or U.S. Patent No. 6,322,446, to Yacenda. Claims 9, 21, 28 and 38 were rejected under 35 USC §103(a) in view of Luciano et al. Claims 17-18 and 25 were rejected under 35 USC §103(a) in view of Yacenda. Claims 19 and 26 were rejected under 35 USC §103(a) in view of Yacenda combined with Luciano et al.

The Luciano et al. patent is directed to a lottery type of game wherein a single player interacts with the lottery system as an individual. This is emphasized, for example, at column 1, lines 28-31, by disclosing an electronic lottery system, in accordance with the principles of the invention, that provides for the independent operation of lottery draws for a player. At column 4, lines 1-5 and lines 12-17, Luciano et al. clearly teaches that the term "pool," as used in the Luciano disclosure, refers to a prize pool that is "solely funded by wagers" provided by players of a lottery game. Thus, the Luciano et al. reference is directed to an arrangement wherein an increasing number of players will tend to expand or increase

the prize pool. However, in such arrangement the odds or chances of a player will clearly be decreased, as the number of players increases.

The patent to Yacenda discloses a system for facilitating lottery games by making it possible to use a communication system to purchase lottery tickets and to play lottery games at player terminals, column 3, lines 23-26. Yacenda appears to teach a lottery arrangement similar to the arrangement of Luciano et al., that is, a conventional lottery wherein an increasing number of players may increase the amount that can be won, but will also cause the odds of winning to be decreased.

In making their invention, as clearly set forth at page 3, lines 6-21, Applicants were concerned with the challenge of enabling an individual to increase his or her chances of winning a lottery. Applicants recognized that chances of winning could be improved for each individual in a group, if members of the group together created a pool comprising a number of lottery tickets. However, Applicants recognized further that the collective tasks required in order to establish and administer a pool of this type could be very burdensome.

Accordingly, Applicants' invention provides a lottery pooling management system intended to reduce burdens associated with a lottery pool, wherein the pool contains multiple lottery numbers, and multiple pool participants each benefit if any of the numbers wins. Claim 1, as now amended, recites an important embodiment of Applicants' lottery pooling management system. The system comprises a participant interface, wherein the participant interface *inter alia* is configured to increase the chances for each of a plurality of pool participants to win a lottery by enabling each of the plurality of participants to participate in one or more lottery pools, each lottery pool comprising different sets of lottery numbers respectively provided by different participants. The system of Claim 1 further comprises a lottery interface and a notification interface, the lottery interface configured *inter alia* to recognize that a winning event has occurred when a given set of lottery numbers is a winning set for its corresponding lottery, and the notification interface configured *inter alia* to alert the plurality of pool participants, when a winning event occurs, that they are entitled to share

a jackpot amount resulting from the winning set of lottery numbers. This latter feature of Claim 1 is disclosed in the application, such as at page 26, line 2.

Claim 1, as now amended, is considered to patentably distinguish over the prior art, including both the Luciano et al. and Yacenda references, in reciting the participant interface of Claim 1, in the overall combination thereof. Clearly, neither Luciano et al. nor Yacenda shows or suggests a participant interface, or other component, that is configured to increase the chances for each of a plurality of pool participants to win a lottery. To the contrary, as stated above in connection with both the Luciano et al. and Yacenda patents, the effect of having a plurality or multiplicity of participants therein is to reduce, not increase, the chances of winning. Moreover, Claim 1 now expressly states that a lottery pool thereof comprises different sets of lottery numbers, respectively provided by different participants. In contrast, Luciano et al. uses the term "pool" only to refer to an amount of money collectively derived from the wagers of respective players. Yacenda does not appear to use the term "pool" in its disclosure, but the lottery system of Yacenda appears to be of the same type as Luciano et al.

Claim 1 is considered to further distinguish over the art in reciting the notification interface thereof in the overall combination of Claim 1, wherein the notification interface is configured to alert a plurality of pool participants, when a winning event occurs, that they are each entitled to share a jackpot resulting from a winning set of numbers. Neither Luciano et al. nor Yacenda teaches or suggests any arrangement in which a plurality of participants is to share in the results of a winning lottery number or set of numbers. Thus, neither references in any way teaches nor suggests, or has any need for, the notification interface now recited by Applicants' Claim 1.

U.S. Patent No. 6,312,332, to Walker et al., was cited in the Office Action as being of interest, but was not cited against any of Applicants' claims. Walker discloses an arrangement for linking a number of slot machines together for team play, wherein each machine remains under the control of an individual player. More particularly, as described at column 3, lines 18-27, in the Walker arrangement at least two slot machines are identified for

team play only. Then, a set of bonus conditions are determined, wherein a bonus payout will be made only if the bonus conditions are satisfied.

Thus, Walker et al. fails to show or suggest the participant interface recited by Applicants' Claim 1, which is configured to increase the chances for each of a plurality of pool participants to win a lottery. Walker does not teach that chances to win are increased by team play. Instead, Walker teaches that in team play of slot machines, new or additional bonus conditions are imposed on the team, which must be satisfied to receive a bonus payout. Walker stresses repeatedly, such as in the abstract thereof, at column 3, lines 9-12 and at column 4, lines 20-21, that the purpose of the Walker arrangement is to encourage social or team interaction, not to increase the chances of winning for each member of a group. Walker, of course, is directed to a configuration of slot machines, not to a lottery or lottery pool, and is thus further distinguished from Applicants' Claim 1.

Claim 2 depends from Claim 1, and is considered to patentably distinguish over the art for the same reasons given in support thereof. In addition, Claim 2 is considered to distinguish over the art in reciting a participant interface that includes a lottery pool creation module to allow pool participants to create new lottery pools. In the arrangements of both Luciano et al. and Yacenda, lottery players or participants merely join an existing lottery. Neither reference anywhere teaches or suggests that a participant can create a lottery, as recited in Applicants' Claim 2 and as clearly taught in Applicants' specification, such as at page 15, lines 11-24 and page 16, lines 1-8. Applicants consider that the Walker et al. patent, which is directed to linkage of slot machines such as video poker machines, likewise does not show or suggest creation of a new lottery pool by a pool participant, as recited by Claim 2.

Claims 3-14 respectively depend from Claim 1, and are each considered to patentably distinguish over the art for the same reasons given in support thereof.

Independent method Claim 15 is considered to recite subject matter similar to patentable subject matter of amended Claim 1. Accordingly, Claim 15 is considered to patentably distinguish over the art for the reasons given in support for Claim 1. Claim 15 is

directed to a method of arranging lottery pools comprising, *inter alia*, the step of admitting a plurality of participants to the lottery pools to increase the chances for each of the participants to win one or more of the lotteries. Applicants consider that neither Luciano et al., Yacenda nor Walker, nor any combination thereof, shows or suggests any such step in the overall combination of Claim 15.

Claims 16-22 respectively depend from Claim 15, and are each considered to patentably distinguish over the art for the same reasons given in support thereof.

Independent Claims 23 and 30 are considered to recite patentable subject matter of Claims 15 and 1, respectively. Accordingly, Claims 23 and 30 are respectively considered to patentably distinguish over the art for the same reasons given in support thereof.

Claims 24-29 and 31-40 depend from Claims 23 and 30, respectively, and are each considered to patentably distinguish over the art for the same reasons given in support thereof.

Application No. 09/803,  
Amendment dated August 9, 2003  
Reply to Office Action of May 9, 2003

Attorney Docket No. 122923-1000

## CONCLUSION

In light of the arguments set forth above, Applicants respectfully submit that the Application is now in allowable form. Accordingly, Applicants respectfully request consideration and allowance of the currently pending claims.

It is believed that no additional fees are due at this time. If this is incorrect, Applicants hereby authorize the Commissioner to charge any fees, other than the issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicants' Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No.122923-1000.

Dated: August 7, 2003.

Respectfully submitted,  
GARDERE WYNNE SEWELL LLP

*James O. Skarsten*  
James O. Skarsten  
Registration No. 28,346  
ATTORNEY FOR APPLICANTS

3000 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201-4761  
(214) 999-4436 - Telephone  
(214) 999-3436 – Facsimile